

EXHIBIT L

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1 A. Yes.

2 Q. Okay.

3 A. I have another paper somewhere, about his wallet
4 and stuff.

5 Q. Okay.

6 A. His wallet had \$1400 in it.

7 Q. Okay.

8 You were entitled to the cash?

9 A. Right, but then in the will it says that I was to
10 get \$5000 and so we subtracted the \$1400 out of the
11 \$5000 that I was to get.

12 Q. All right.

13 MR. MULLINS: I'm going to take a real
14 quick break and try to expedite this. Is that all right
15 with you all? I'm going to go get some copies of these
16 things and I'll have someone bring this back.

17 MR. BRYAN: That's fine.

18 * * *

19 (Brief break)

20 * * *

21 BY MR. MULLINS:

22 Q. As I understand it, you are Elton Wine's
23 daughter; correct?

24 A. Yes, sir.

1 A. A long time, maybe 15 years but they only lived
2 together maybe four of those years.

3 Q. Do you know anything about your father's criminal
4 history, if he had one?

5 A. Yes.

6 Q. Tell me what you know about that.

7 A. He got caught with marijuana. I was in high
8 school. On my wedding day he called and said, sorry, he
9 couldn't give me away because he was incarcerated.

10 Q. He was incarcerated for the marijuana?

11 A. Yes.

12 Q. Do you know how long he was incarcerated?

13 A. Not long at all, like 18 months.

14 Q. Do you know anything else about any other arrests
15 or convictions that he would have had?

16 A. He never went to jail but when him and Jill
17 separated there was a domestic.

18 Q. You don't have any first-hand information about
19 that though; is that right?

20 A. What do you mean?

21 Q. You didn't see it, the domestic incident?

22 A. Not when it happened, no.

23 Q. Did you see --

24 A. Her? He broke her jaw.

1 Q. How do you know that?

2 A. I heard.

3 Q. Did you ask her that?

4 A. I didn't ask her, they had a domestic and -- I
5 was at their house and I saw her.

6 Q. Were you there when the domestic happened?

7 A. No, I wasn't there at the actual time it happened
8 but I -- she came to live with me after that happened,
9 after her and my dad split up, she came and lived in my
10 house.

11 Q. For how long?

12 A. A couple of months.

13 Q. Kind of transitioning?

14 A. Yes.

15 Q. And she had a fractured jaw? Did she have any
16 other injuries that you were aware of?

17 A. Not that I can recall.

18 Q. Did she have to have her jaw wired shut or
19 anything like that?

20 A. No, I don't know that it was actually broken but
21 it was --

22 Q. Did you know if your father ever had any other
23 domestic situations before that?

24 A. They never got along and he had several --

1 A. When I was at his house. The neighbor, Judy
2 Nicholson, rented a trailer from my dad, she had called
3 my uncle and told him that there was something going on
4 at my dad's, the cops were there and that we needed to
5 come.

6 Q. Okay.

7 A. And so we got there, we got in the car and we
8 went there. It was only my mom and I.

9 Q. And that would've been late in the evening; is
10 that right?

11 A. Yes, I would say 11 o'clock at night.

12 Q. Charlene's last name is Underwood?

13 A. Yes.

14 Q. What's your mom's last name?

15 A. Fisher. When we got there the police were still
16 inside the house.

17 Q. Did you talk to the police?

18 A. Yes, I signed for his wallet.

19 Q. Was your mother still inside the house then?

20 A. They brought him out in a body bag. They were
21 very rude to me.

22 Q. Do you know which police officers you talked to?

23 A. The only one was Waggamon.

24 Q. Did you know Waggamon or --?

1 A. Yeah, that's the name that was on the police
2 report.

3 Q. Okay.

4 Do you remember talking to any other police
5 officer other than Waggamon?

6 A. No.

7 Q. What did you talk about?

8 A. They unzipped the bag so we could identify him
9 but they would only let me unzip it this much. They
10 would not let me touch him, they were very -- I was very
11 upset.

12 Q. Did you ask them what happened?

13 A. They said that the coroner was -- it looked like
14 he had -- (inaudible).

15 Q. Did you ask them why they were at your father's
16 house?

17 A. Yes, they were looking for John Bowman.

18 Q. Did you ask them what happened inside?

19 A. After they left I went inside.

20 Q. Did you ask the police what happened inside?

21 A. They said he resisted.

22 Q. Did you have any comment to that?

23 A. No, my father was 71 years old. He could not
24 breathe. He just had had his carotid arteries worked on

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1 and he was complaining that his right arm was numb. I

2 doubt that he had the strength to really resist.

3 Q. Did you tell that to the police?

4 A. That night?

5 Q. Yes.

6 A. No.

7 Q. Did you tell the police you wouldn't be surprised
8 if he resisted?

9 A. I'm sure if he was asleep on the couch; that he
10 was startled. I mean they came busting his door down.

11 Q. But do you know if your father would be -- if he
12 were surprised by the police breaking his door down if
13 he would try to stop them; would you be surprised?

14 A. From the blood on his pillow, it looks like they
15 did something to him while he was still laying on the
16 couch.

17 Q. But my question to you is, do you know if your
18 father --

19 * * *

20 (Sneeze)

21 * * *

22 MR. MULLINS: Bless you.

23 THE WITNESS: I don't think so. He may
24 have. I may have. I mean --

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1 Did your dad smoke?

2 A. Yes.

3 Q. Do you know what brand he smoked?

4 A. It didn't matter.

5 Q. He would smoke anything?

6 A. Yes.

7 Q. Did he smoke cigarettes and cigars?

8 A. He smoked cigarettes and he would ask anyone who
9 visited if they smoked.

10 Q. And what about cigars?

11 A. Probably if somebody was visiting and had a
12 cigar, yes.

13 Q. I'm going to show you a picture which is picture
14 number eight here of an ashtray of different cigarettes
15 and the like in there, do you recognize that ashtray?

16 A. This was at his house?

17 Q. Yes, ma'am, that's what I understand.

18 A. No.

19 Q. You can give them back to me. You were at his
20 house with frequency; correct?

21 A. Yes.

22 Q. And before he passed away you were there fairly
23 often, right?

24 A. Right.

1 A. Well, no, they didn't have wheels.

2 Q. No, no, no, I'm just talking about the chairs
3 that they sat on in the mudroom?

4 A. Yes. Okay.

5 Q. You said something about your father had had
6 surgery on his carotid arteries?

7 A. Yes.

8 Q. Do you know when that was?

9 A. Maybe two months --

10 Q. Do you know where he had that surgery?

11 A. United Hospital.

12 Q. In Clarksburg?

13 A. Yes.

14 Q. Was that an inpatient surgery?

15 A. Yes. It might've been there, I don't know
16 exactly.

17 Q. Are you familiar with his general health other
18 than that surgery he had on his carotid arteries?

19 A. He couldn't breathe.

20 Q. He had COPD?

21 A. Yes.

22 Q. And he continued to smoke even though he had
23 COPD; is that right?

24 A. Yes.

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1 house?

2 A. Yes.

3 Q. Did they do any other damage to the house that
4 you're aware of?

5 A. No, other than the doors being kicked in and the
6 glass, everything was just like ripped apart. I believe
7 personally that there was a large sum of money in my
8 dad's residence.

9 Q. What do you base that on?

10 A. I just know how my dad was and my mom would sit
11 in there and help him count it and a neighbor had said
12 that he gave him \$10,000 within a couple days of this.

13 Q. Who's the neighbor that gave him \$10,000?

14 A. My dad had sold a house to Larry Davis for his
15 daughter, Sherry.

16 Q. And Larry Davis gave him \$10,000 in cash?

17 A. Uh-huh (yes).

18 Q. Is that a yes?

19 A. Yes.

20 Q. And your mother helped him count that money?

21 A. Yes.

22 Q. Did your mother tell you how much money she
23 counted?

24 A. Around \$40,000.

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1 THE STATE OF :
 WEST VIRGINIA :
 2 : SS: C E R T I F I C A T E
 COUNTY OF OHIO :
 3

4 I, DEBRA A. VOLK, Professional Court
 Reporter, do hereby certify that the testimony given by
 5 the within-named witness, LILLIAN WINE, was by me
 reduced to stenotype in the presence of the witness;
 6 afterwards reduced to Computer Aided Transcription under
 my direction and control; that the foregoing is a true
 7 and correct transcription of the testimony given by said
 witness.
 8

9 I do further certify that this testimony was
 taken at the time and place in the foregoing caption
 10 specified; that the reading and signing was requested
 and was completed without adjournment.
 11

12 I do further certify that I am not a
 relative, counsel or attorney of either party, or
 13 otherwise interested in the event of this action.

14 I do further certify that the attached
 15 transcript meets the requirements set forth within
 Article 27, Chapter 47 of the West Virginia Code to the
 16 best of my ability.

17 IN WITNESS THEREOF, I have hereunto set
 18 my hand in Wheeling, West Virginia, on the 7th day of
 July, 2015.
 19

20 
 21 DEBRA A. VOLK,
 Professional Court Reporter
 22
 23
 24

EXHIBIT M

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG

JILL D. MYERS, as executrix of :
the Estate of ELTON C. WINE, :
Plaintiff :
v : CIVIL ACTION NO.
A.S. TAYLOR, individually, : 1:14-cv-00156-IMK
M.S. HORNE, individually, :
J.C. SAURINO, individually, :
J. TOMBLYN, individually, :
S.B. HUFFMAN, individually, :
M.E. WAGGAMON, individually, :
Defendants :

* * *

Deposition of Anthony S. Taylor
Tuesday, July 14, 2015

* * *

a defendant herein, taken on behalf of the plaintiff in
the above-entitled cause of action, pursuant to notice
and the Federal Rules of Civil Procedure, by and before
Connie M. Nichols, Registered Professional Reporter and
Notary Public within and for the State of West Virginia,
at the law offices of Steptoe & Johnson, PLLC, 400 White
Oaks Boulevard, Bridgeport, West Virginia 26330,
commencing at 10:40 a.m.

1 Q. Okay.

2 Was that a phone call, or how did that occur?

3 A. At this specific time, I don't recall how it
4 happened.

5 Q. Okay.

6 Is Sergeant Saurino the team leader?

7 A. He is.

8 Q. Okay.

9 So at some point, did you arrive at the
10 Bridgeport detachment for briefing?

11 A. Yes.

12 Q. Okay.

13 And what happened once you got there?

14 A. Once everyone had assembled, we were briefed
15 by Sergeant Saurino that John Bowman was -- we had
16 received a tip that John Bowman was possibly at this
17 residence in Doddridge County, and that John Bowman had
18 a history of explosives and violence with police in the
19 past, and that he was currently on the run for a -- I
20 believe it was a cultivation charge, a drug charge.

21 Q. So you were told that he was on the run from
22 an arrest warrant for cultivating marijuana?

23 A. Yes.

24 MR. MULLINS: Object to form. That's not

1 took some pictures.

2 Q. Do you remember about how long ago that was?

3 A. No, sir.

4 Q. What about like shields? Do you guys carry
5 any shields?

6 A. Depending on --

7 Q. Like ballistic shields?

8 A. Depending on situation to situation. For this
9 one, I don't believe that we did.

10 Q. So what kind of firearms did you have on you?

11 A. I just carried my department-issued .45
12 caliber.

13 Q. Did you have any other job, like carrying a
14 hooligan tool or anything like that?

15 A. The ram.

16 Q. So your job was to carry the ram?

17 A. Yes, sir.

18 Q. And is that the reason that you did not also
19 have a rifle?

20 A. That's correct.

21 Q. So following the briefing, you guys loaded up
22 into a van with around 18 guys; is that right?

23 A. It was crowded. To tell you how many were
24 there, I couldn't tell you for certain, but it was

1 where somebody has died?

2 A. Nothing I was involved in.

3 Q. Are you aware of other incidents that you were
4 not involved in where people died?

5 A. Just secondhand stories where someone had
6 tried to have a shootout. But I wasn't involved. That
7 was before my time.

8 Q. Okay.

9 So what happened once the van that you were in
10 arrived at the target location?

11 A. We filed out into our stack order and walked
12 into the house under the cover of darkness.

13 Q. So you stopped somewhere still on the public
14 road?

15 A. Yes, sir.

16 Q. No lights or anything like that?

17 A. No, sir.

18 Q. And you guys walked down the driveway?

19 A. Yes, sir.

20 Q. Again, no flashlights?

21 A. No, sir. Nothing that would compromise our
22 approach.

23 Q. Okay.

24 And what's the first -- what's the first thing

1 that happened, that you recall?

2 A. Well, we parked about 400 yards from where the
3 house was at and made our way down the gravel driveway,
4 and then we encountered some dogs that were barking and
5 a gate.

6 Q. Were you given any indication that the
7 occupants of the house knew you were there?

8 A. Just the dogs barking.

9 Q. Were you walking single file?

10 A. Once we approach a house, we're not
11 necessarily always single file, but I'd say if you were
12 to classify it, it would probably be close to that.

13 Q. So you're in a stack?

14 A. We don't normally stack until we get to the
15 door.

16 Q. Okay.

17 And your order was what in the stack?

18 A. I believe I was third from the end.

19 Q. So you --

20 A. Third from last.

21 Q. You would've been right in front of
22 Trooper Horne?

23 A. That's right.

24 Q. Do you recall how many were in front of you?

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1 A. Exactly, no.

2 Q. So it's not always a set number. Depending on
3 where you are, it could be a different guys in front of
4 you?

5 A. It could depend on the availability of members
6 to get there.

7 Q. Are you always the -- do you always have the
8 ram, or is that just a sometimes position?

9 A. At that point in my SRT career, that was my
10 responsibility.

11 Q. Were you one of the bigger guys? Is that why
12 you were given the ram?

13 A. Or the slower, maybe. I don't know.

14 Q. Okay.

15 Do you recall whether there were lights on in
16 the house as you approached?

17 A. I believe that there was some dim lighting
18 inside the house.

19 Q. Do you recall about what time it was?

20 A. I think I got to Bridgeport at about 8:30 in
21 the evening. Now, I don't take anything on an SRT call
22 with me that would compromise me, so a phone or a watch
23 or anything that could get broken usually stays in my
24 car. It was well after 8:30 because it was at least a

1 30-minute, 35-minute, maybe a 40-minute drive there.

2 Q. So it was completely dark?

3 A. Yes, sir.

4 Q. And was it -- well, we know what that one was.

5 As you approached the house, tell me what
6 happened.

7 A. Well, the dogs started barking at us. And we
8 came across a fence and a gate, which we had to maneuver
9 around. And then we made our way to the front door on
10 the porch.

11 Q. Okay.

12 What happened next?

13 A. Sergeant Huffman was at point, and I heard him
14 whisper. And it usually gets passed back through the
15 stack for a breacher, so I made my way to the front door
16 and breached the door.

17 Q. Did that -- did that tell you that he had
18 tried to unlock the door and that it was locked?

19 A. That's correct. I anticipate that command
20 when I'm making my way to the door.

21 Q. Did you actually see anyone try the door, or
22 are you just assuming?

23 A. I think I was within range, because I believe
24 there was a storm door. That's my focus when I get

1 there, it's to get the team in the house.

2 Q. Do you think the storm door was locked, or was
3 it the door behind the storm?

4 A. The door behind the storm door, because I had
5 no -- that was my target.

6 Q. Okay.

7 So you were called to breach the door?

8 A. Yes, sir.

9 Q. And that means hit it with a ram and knock it
10 open forcefully?

11 A. Yes, sir.

12 Q. And did you do that?

13 A. I did.

14 Q. Prior to you breaching the door, did anyone
15 knock on the door?

16 A. No, sir.

17 Q. Prior to you breaching the door, did anyone
18 announce in any way that the state police was there with
19 a search warrant?

20 A. Not until we broke silence.

21 Q. And silence was broken by you hitting the door
22 with the ram?

23 A. Me. Yes, sir.

24 Q. Okay.

1 knocking or announcing?

2 A. I'm sorry. I think I lost track of what you
3 were asking there.

4 Q. Sure.

5 Do you recall there being any discussion by
6 anyone else there, including and especially
7 Sergeant Saurino or Sergeant Huffman, about whether or
8 not there was any legal requirement to knock and
9 announce -- to knock on the door or announce the state
10 police's presence and that there was a search warrant
11 prior to busting down the door or through the door with
12 the ram?

13 A. I wasn't privy to that conversation if there
14 was one.

15 Q. Okay.

16 But it was -- I mean you guys had no lights,
17 right?

18 A. We had the capability.

19 Q. Right.

20 But you had walked quietly up the driveway?

21 A. Yes.

22 Q. Except for the dogs?

23 A. Until the dogs.

24 Q. You were trying not to compromise your

1 presence; is that right?

2 A. That's correct.

3 Q. So you were being quiet on purpose?

4 A. That's right.

5 Q. And I know it wasn't your decision to make,
6 but you don't recall hearing any discussions about
7 whether or not you guys should breach through the door
8 first before knocking or announcing?

9 A. That conversation, if it happened, I wasn't
10 present for.

11 Q. And, in fact, the practices of the SRT that
12 you had experienced yourself were generally to breach
13 the door first and then announce your presence second?

14 * * *

15 (Officer Waggamon enters the conference
16 room.)

17 * * *

18 A. My training tells me to do as I'm told. So
19 this situation, whatever the situation may dictate --
20 it's my responsibility to do my job and not ask too many
21 questions.

22 BY MR. BRYAN:

23 Q. Right.

24 But as far as what you observed -- you know,

1 Q. Did the door break?

2 A. It was still attached to the hinges. If
3 memory serves me correct, it was a locking mechanism, a
4 latching mechanism, that broke.

5 Q. So you open the door, and the team entered?

6 A. That's right.

7 Q. Did you enter at that time?

8 A. After everyone else had entered.

9 Q. So you entered last?

10 A. That's right.

11 Q. So was Sergeant Huffman the first to enter?

12 A. He was.

13 Q. Okay.

14 So did he enter immediately after the door
15 busting open?

16 A. Yes, sir.

17 Q. Okay.

18 Did he say anything as he entered?

19 A. He encountered somebody immediately.

20 Q. So he didn't say anything until he actually
21 encountered somebody?

22 A. We all announce as we go through the door,
23 "State police! Search warrant! State police! Search
24 warrant! Get down! Search warrant!" Or something to

1 that effect.

2 Q. Okay.

3 Do you recall whether he said that prior to
4 encountering somebody?

5 A. Oh, yes, that's our practice. Once we break
6 silence, we announce our presence.

7 Q. Okay.

8 So as you -- after you busted down the door,
9 you heard the other troopers who were entering the house
10 saying, "State police! Search warrant!"?

11 A. Yes, sir.

12 Q. And they each said it?

13 A. My focus wasn't on -- that's our training. My
14 focus wasn't on whether everyone had said it or what
15 they said. But that's our training, once we break
16 silence, we announce our presence.

17 Q. Okay.

18 What's the next thing that you recall?

19 A. I filed in at the rear of the stack. There
20 was a kitchen that we went into first, and a living room
21 off of that. And when I went into the kitchen area at
22 the rear of the stack, I was called to a rear bedroom
23 for another breach on a door that was secured.

24 Q. And did you breach that door?

1 A. I did.

2 Q. And what did you find inside?

3 A. A bedroom, but I don't believe it was
4 occupied. Again, my responsibility is to open the door
5 and get out of the way.

6 Q. And the suspect, John Bowman, was not found in
7 the house, correct?

8 A. To my knowledge, no.

9 Q. And he was not found anywhere on Elton Wine's
10 property?

11 A. I'm not sure where he was found at eventually,
12 but that night, we did not find anybody. Let me
13 rephrase that. We did not find John Bowman that night.

14 Q. Tell me about what you observed -- when you
15 entered the house, tell me what you observed
16 Sergeant Huffman doing.

17 A. Through the kitchen, there was an open doorway
18 into a living area, and he was turned facing me where
19 there was a -- I could see a lamp sitting. And I assume
20 someone was sitting there because he had his weapon
21 pointed at that person and was telling them to show him
22 their hands.

23 Q. Okay.

24 So this would've been his AR-15?

1 Q. I mean you knew at that time that you were
2 looking for John Huffman and not Elton Wine?

3 A. John Bowman.

4 Q. I'm sorry.

5 John Bowman and not Elton Wine.

6 A. I knew that's who we were looking for.

7 Q. In your experience, do you guys always just
8 handcuff occupants of the residences that you're
9 searching?

10 A. Absolutely.

11 Q. So in every incidence, you handcuff the
12 occupants of the residence?

13 A. We'll secure everyone until we can identify
14 that there are no further threats in the house. That's
15 our common practice.

16 Q. So Elton Wine was being handcuffed that night
17 regardless of his behavior; is that right?

18 A. We had no idea what else was beyond us.

19 Q. I'm not saying that you're wrong for doing
20 that.

21 A. No.

22 Q. I just want to make clear that that's your
23 training and that's your policy.

24 A. It is.

1 Q. That's what you've experienced when you're
2 searching a residence and executing a search warrant?
3 Everybody in that residence is getting handcuffs on
4 them; is that right?

5 A. Yes, sir.

6 MR. MULLINS: You're talking again about
7 when the SRT is deployed, right?

8 BY MR. BRYAN:

9 Q. I'm talking about SRT.

10 A. Right, and I am as well.

11 Q. Okay.

12 So it appeared to you that Mr. Wine was just
13 sitting on his couch and wasn't complying with the
14 commands that Sergeant Huffman was telling him to do; is
15 that right?

16 A. At the time that I came in, he was -- "he"
17 being Sergeant Huffman -- he had him and was pulling him
18 to the floor, at which time Mr. Wine was putting his
19 hand underneath of himself and wouldn't surrender his
20 left hand. So that prompted me to put a muzzle on
21 Mr. Wine, because I had no idea what he was reaching for
22 at that point.

23 Q. So when you say, "Put a muzzle on Mr. Wine,"
24 that means pointing your weapon?

1 A. Pointing my weapon at him.

2 Q. And did you not have a rifle, right?

3 A. No, sir.

4 Q. Did you already have your pistol drawn?

5 A. Yes, sir. Well, I would have it drawn once my
6 responsibility to breach -- and I would be carrying my
7 pistol with one hand and the ram in the other.

8 Q. So did you ever drop the ram?

9 A. Eventually. I put it down once we had
10 everything secured.

11 Q. So, originally, Sergeant Huffman had his rifle
12 pointed at Mr. Wine. He took Mr. Wine down off the
13 couch onto the ground, and at that point, it was you
14 that had your gun pointed at Mr. Wine?

15 A. Yeah, probably more than me.

16 Q. Do you remember who else was there?

17 A. At that particular time, I know there were
18 other people there, but regarding who they were, I'm not
19 sure which team members were there. But I know that we
20 all consider that to be a threat when someone starts to
21 reach and not surrender their hands, especially when
22 they've got a gun pointed at them.

23 Q. Now, since Mr. Wine was taken down to the
24 ground off the couch, is it possible that he fell onto

1 his left arm?

2 A. It is possible.

3 Q. And so --

4 A. But to keep it there and not surrender it when
5 he was given verbal commands to do so was what made me
6 nervous.

7 Q. So it's possible that his left arm was already
8 under him, but he wasn't bringing it out; is that right?

9 A. Right. Because he was being told to put his
10 hands behind his back.

11 Q. Do you know whether Mr. Wine understood the
12 instructions that were being given to him?

13 A. I have no idea of his mental capacity or his
14 hearing ability.

15 Q. So he wasn't -- I mean he wasn't responding,
16 that you recall? I mean he wasn't communicating?

17 A. He wasn't complying, is what I would say.

18 Q. Was he saying anything?

19 A. Yes. He was speaking, but what he was saying
20 verbatim I couldn't tell you. But it wasn't friendly.

21 Q. But you don't recall specifically what he
22 said?

23 A. It had some profanity involved in it.

24 Q. Would it be fair to say that he was surprised

1 that night?

2 MR. MULLINS: Object to form. He doesn't
3 know what he was doing.

4 BY MR. BRYAN:

5 Q. I mean did he appear to be surprised by the
6 SRT team busting into his house?

7 A. My observation of him was noncompliance. It
8 wasn't surprise. He appeared to be oriented enough to
9 be noncompliant and be belligerent.

10 Q. He wasn't under arrest that night, was he?

11 A. No, sir.

12 Q. He wasn't a suspect that night, was he?

13 A. For our arrest warrant, he was not our target.

14 Q. Now, you had a tip that John Bowman may have
15 been at his house, right?

16 A. I didn't, personally. That was relayed to me
17 from my team leader, which told the story as to why we
18 were there.

19 Q. You were never told that there was an arrest
20 warrant for Elton Wine?

21 A. I was never told that, no. And I would have
22 been told that if there had been one.

23 Q. You were never told that there was probable
24 cause to believe that Elton Wine committed any crime?

1 Q. And what does -- what effect does that have?

2 A. I personally never go into a house with the
3 assumption that anyone wouldn't want to harm me.

4 Q. Well, you told me that part, you know -- for
5 the SRT team, really the primary objective is safety,
6 right?

7 A. That's correct.

8 Q. So we're talking officer safety, right?

9 A. Yes, sir.

10 Q. And also safety of any other third party or
11 citizen; is that right?

12 A. That's right.

13 Q. So that would mean also the safety of Elton
14 Wine, the homeowner in that house; is that right?

15 A. Yes, sir.

16 Q. Okay.

17 So he's lying on the ground. His left hand is
18 not coming out from under him. And at that time, what
19 did you observe, and what happened next?

20 A. Sergeant Huffman had to force his hand behind
21 his back to put it into a handcuff. He had his -- he
22 had control of his right arm because his left was tucked
23 underneath of him, and he had to forcefully pull his arm
24 behind his back to get him secured.

1 actually helped Sergeant Huffman. I don't recall that.
2 I know that when his arm went underneath him, my focus
3 was to make sure he didn't bring something out with that
4 left arm.

5 Q. Okay.

6 So he may have -- Sergeant Huffman may have
7 been assisted by another trooper there in getting his
8 left arm out, but you don't really recall?

9 A. I don't recall that. No, sir.

10 Q. So your job at that time was just to keep your
11 pistol pointed at Mr. Wine in case that left arm came
12 out with a weapon?

13 A. Well, I assumed that responsibility. Yes,
14 sir.

15 Q. Okay.

16 But in any event, they got his left arm out
17 and handcuffed him?

18 A. Yes, sir.

19 Q. What happened next?

20 A. He was complaining that he couldn't breathe.

21 Q. Was that immediately after he was handcuffed?

22 A. It was right in that string of profanities.

23 Q. To get his left arm out when he was on the
24 ground, did you -- I mean were there any strikes to the

1 extremities or anything like that? Any kind of
2 pain-compliance techniques used, that you recall?

3 A. Not that I recall.

4 Q. Okay.

5 So he's handcuffed, and he's still on his
6 stomach. And he starts complaining about not being able
7 to breathe?

8 A. That's right.

9 Q. What happened next?

10 A. He asked for his, I believe, inhaler or his
11 breathing treatment. It was some of his medication.

12 Q. Let me ask you this: Did you ever observe
13 Elton Wine assault or attack Sergeant Huffman?

14 A. I did not.

15 Q. Did you ever observe Elton Wine assault or
16 attack any other trooper there?

17 A. No, sir, I did not.

18 Q. Did you ever observe Elton Wine grab -- try to
19 grab anybody's firearm?

20 A. I did not.

21 Q. Okay.

22 So you said he asks for his inhaler?

23 A. Breathing treatment.

24 Q. He asked for his breathing treatment. At this

1 point, he's still on his stomach, right?

2 A. He is.

3 Q. On the floor of his living room?

4 A. Yes.

5 Q. Handcuffed behind his back?

6 A. Yes, sir.

7 Q. Did you observe any blood at this time?

8 A. His left wrist, I believe, is where it was
9 coming from.

10 Q. His left wrist?

11 A. Yes, sir. The one he had tucked underneath of
12 him.

13 Q. So you did observe blood?

14 A. Yes, sir.

15 Q. Do you know how the injury occurred?

16 A. No, sir. He had his -- when I came in, he was
17 being taken to the floor. He tucked his left arm
18 underneath of himself, so whether it was bleeding prior
19 to that or not, it was kind of a fluid motion to the
20 floor.

21 Q. Do you know whether -- so are you saying that
22 you don't know whether the injury that was bleeding on
23 Mr. Wine was caused by Sergeant Huffman?

24 A. No, sir, I don't know.

1 Q. Was there broken -- was there like broken
2 glass or broken furniture around?

3 A. My focus was Mr. Wine, and I don't recall much
4 about the immediate surroundings. Again, when he put
5 his hand under himself, I focused directly on him.

6 Q. Was he bleeding as a result of the handcuffs?
7 Do you know?

8 A. I don't know.

9 Q. Did you ever look closely at where he was
10 bleeding from, or did you ever examine it?

11 A. No, sir. I'd have no reason to do that.

12 Q. Were you worried about his safety, since he
13 was bleeding?

14 A. No, sir. I didn't think it was a
15 life-threatening cut or wound.

16 Q. So he asked for his breathing treatment. What
17 happened next?

18 A. Sergeant Huffman got an inhaler from someone
19 that found it lying somewhere. Again, my focus was on
20 Mr. Wine. I remember rolling Mr. Wine up onto his side
21 and Sergeant Huffman trying to give him his inhaler.
22 And he said, "No, that's not it. That's not what I
23 need. My nebulizer."

24 So Trooper Horne located the nebulizer in the

1 kitchen, and Trooper Horne and I got him up and took him
2 in the kitchen and sat him at the kitchen table.

3 Q. Okay.

4 So you helped him up off the floor?

5 A. Yes, sir.

6 Q. Okay.

7 Did he say anything to you?

8 A. Not anything very nice.

9 Q. Well, what do you recall him saying?

10 A. Just swearing at us. Nothing really
11 significant. Just swearing.

12 Q. He was upset?

13 A. He was upset.

14 Q. I mean you would agree that it's a traumatic
15 experience for somebody sitting on their couch in their
16 living room and having your team bust down their door
17 and come in with rifles pointed at you; would you not?

18 A. I would hope I never have to experience that,
19 but I've never sat on the other end of it.

20 Q. But you've been involved in enough of it, you
21 know, that you would expect, for instance, your
22 71-year-old father to be upset as well if that happened
23 to him, wouldn't you?

24 A. I wouldn't know how someone would react to it.

1 I've seen people react different ways.

2 Q. So he was upset, and you helped take him into
3 the kitchen?

4 A. That's right.

5 Q. And what happened once you got in the kitchen?

6 A. We sat him at the kitchen table in the chair.
7 He was still cuffed behind the back, and we turned on
8 his nebulizer. And I held the tube in front of his
9 face, and he took a couple breaths off of it. But
10 still, he was pretty verbally obscene with everything he
11 said.

12 Q. But you don't specifically recall what words
13 he was saying?

14 A. Well, it was a lot of "fuck" and
15 "motherfuckers" and things of that nature.

16 Q. And what were you saying?

17 A. "Just be quiet and take your treatment."

18 Q. And he was still handcuffed at this time?

19 A. He was.

20 Q. Did you sit him down in a chair?

21 A. I did.

22 MR. BRYAN: Where is that photograph that
23 we used?

24

1 A. I did not. Not until later, once the search
2 was complete.

3 Q. So the reason that you eventually took the
4 cuffs off was because the search was complete?

5 A. That's correct.

6 Q. Did you take the cuffs off?

7 A. I'm not sure if I took the cuffs off or if
8 Trooper Horne took the cuffs off. I stayed with
9 Mr. Wine the whole time, and I know Trooper Horne went
10 to go find the key to take the cuffs off. But who
11 physically removed them -- I know the whole time I was
12 holding that nebulizer up and encouraging him to take
13 his medicine and quit yelling at us.

14 Q. So the purpose of keeping the occupant of the
15 house handcuffed while the search is going on is for the
16 reason of officer safety, correct?

17 A. Sure. We don't want anybody up walking around
18 while we're trying to secure a home.

19 Q. Okay.

20 At that point while Elton Wine was bleeding
21 and having trouble breathing, he was not handcuffed for
22 his own safety, was he?

23 A. How exactly do you mean?

24 Q. Well, he was handcuffed for officer safety,

1 A. He did.

2 Q. Tell me about that.

3 A. It was after things had -- we had kind of --
4 other than a couple outbuildings, I think the immediate
5 house we had cleared, and he was having trouble
6 breathing. He was leaning over and became -- well, he
7 quit yelling at me, so he was -- whether he was
8 conscious or not, he was still breathing at that point.
9 And I kept him upright and told Trooper Horne to go get
10 a handcuff key. And I kept his medicine, his nebulizer
11 tube, in front of his face, so if he -- because that's
12 what I did. He couldn't reach it.

13 I just kept it in front of him, and he would
14 take a little nip of it once in a while, and put his
15 mouth on it and take a little breath and then go back to
16 screaming at us. So I kept it in front of him and said,
17 "Come on, Buddy. Take a breath. Take your medicine.
18 Sit up here."

19 Q. As far as Mr. Wine screaming at you and
20 cursing at you, you didn't mention anything about that
21 in the statement that you gave as part of the internal
22 investigation of this matter, did you?

23 A. (Pause.)

24 Q. I don't think you did, which is why I asked.

1 I'll let you look.

2 A. If you don't mind.

3 (Witness perusing document.)

4 No, it doesn't look like I mentioned it.

5 Q. Okay.

6 In your training, you're taught to put all
7 important facts into your statements, correct?

8 A. That's right.

9 Q. And that's not something that you included in
10 your statement?

11 A. No, sir. It certainly wasn't anything
12 incriminating that he said about where Mr. Bowman was
13 or -- so I chose not to include it. It was -- and I --
14 like I said, I don't recall him making any specific
15 threats towards me, so ...

16 Q. So it just indicated to you that this was a
17 man that was upset and emotional?

18 A. And noncompliant.

19 Q. Well, I mean he was being compliant at that
20 time, wasn't he?

21 A. We had -- he was secured at that point. He
22 was -- actually, I was being more compliant with him by
23 giving him what he asked for.

24 Q. Well, he was sitting in the chair, right?

1 group?

2 A. I did not.

3 Q. And is the reason for that because the search
4 wasn't complete yet?

5 A. I'm not sure I had the capability of
6 communicating with anyone outside the house.

7 Q. Well, somebody did, right?

8 A. They did.

9 Q. Do you know who that was?

10 A. That was Sergeant Curran.

11 Q. Well, was -- where was Sergeant Curran while
12 this was going on?

13 A. He had finished his responsibility elsewhere
14 in the house and made his way to the kitchen at one
15 point.

16 Q. So he was nearby?

17 A. He was in the house.

18 Q. Did you ever ask Trooper Curran to call for
19 EMS?

20 A. I'm not sure if I asked him or if it was just
21 his observation and his capability, because he had his
22 phone with him. He made the call. I was there when he
23 made the call. I don't know if I said, "You need to
24 call 911," or if he just said, "We're clear," because he

1 had another responsibility. That would be my other
2 indicator that the house was clear, if other members
3 started finding their way back into other areas.

4 Q. So when Curran came back in, he observed an
5 unconscious Elton Wine?

6 MR. MULLINS: Object to form.

7 A. I can't tell you what he observed when he came
8 back in or whether Mr. Wine was -- I think at that point
9 he had quit yelling at us. I'm pretty sure of that.
10 But whether he was unconscious or not, he was still
11 breathing. He was still breathing the whole time I was
12 there.

13 BY MR. BRYAN:

14 Q. How do you know he was still breathing?

15 A. I watched his shoulders rise and fall when he
16 took a breath.

17 Q. But you still thought he might've been faking
18 it?

19 A. I'm not qualified to do that, but the
20 possibility that he could've been just to get his
21 handcuffs removed so that he could act out -- that
22 possibility existed.

23 Q. But this isn't -- your fear of Elton Wine
24 faking this and wanting to hurt you -- that wasn't based

1 them on a key ring, and anything that could have been
2 lost or, again, damaged or cause harm to me, I usually
3 leave. Cell phones, watches, rings and things of that
4 nature. So that was on my key ring, and it's on my key
5 ring today.

6 Q. So after he was unhandcuffed, what was his
7 condition like?

8 A. He was -- he wasn't responding to me at that
9 point. When I was trying to encourage him to breathe
10 and take his medicine, he would take a breath, but he
11 wasn't putting his mouth on his nebulizer at that point.

12 Q. Did you believe him to be unconscious?

13 A. Yes.

14 Q. Was that prior to EMS being called?

15 A. I'm not sure if that was prior or after. I'm
16 not sure.

17 Q. Who else was with you observing this?

18 A. Sergeant Curran was there because
19 Trooper Horne had left to go get a key.

20 Q. Was Sergeant Tomblyn there?

21 A. Eventually, yes, there at last.

22 Q. So this is prior to Sergeant Tomblyn being
23 there?

24 A. I believe so.

1 Q. Now, Sergeant Tomblyn was a paramedic. Do you
2 know that?

3 A. I've heard him talk about it.

4 Q. Were you aware of that at this time?

5 A. Yes, I had heard that he had done that at one
6 point in his career.

7 Q. Okay.

8 Well, did you ask for his help?

9 A. He came over and kind of observed and kind of
10 stayed with him and said that the EMS was on the way.
11 He was there with me, but I didn't ask him. I didn't
12 call for him to come in. He came in on his own.

13 Q. At some point, were you talking to Mr. Wine
14 and encouraging him to breathe?

15 A. Yes.

16 Q. And was he responding to you?

17 A. He was breathing, but he wasn't taking his
18 nebulizer.

19 Q. Do you know whether he could -- I mean whether
20 he was conscious or whether he was able to understand
21 you?

22 A. He didn't respond to me.

23 Q. And was that before or after he was
24 unhandcuffed?

1 Q. So he was still sitting in the chair?

2 A. Yes.

3 Q. But you were holding him up?

4 A. I had my hand on his shoulder and was holding
5 his medicine in front of him.

6 Q. So at some point, you were helping
7 Sergeant Tomblyn monitor Mr. Wine's pulse and breathing.
8 Do you recall that?

9 A. I recall him doing it, but I'm not a --

10 Q. Let me show you your statement, Exhibit 2.
11 Down towards the bottom, you discuss assisting
12 Trooper Tomblyn.

13 A. (Witness perusing document.)
14 This says that I just held him up while
15 Sergeant Tomblyn monitored his pulse and breathing.

16 Q. Okay.
17 What else does it say?

18 A. Just that I had -- "Sergeant J. Tomblyn
19 monitored Mr. Wine's pulse and breathing while I held
20 his head up and kept his airway open."

21 Q. Okay.
22 When that was occurring -- is that an accurate
23 statement?

24 A. It's verbatim. It's what's written there.

1 arrived, you were with Elton Wine?

2 A. Yes, sir.

3 Q. And during the entire time, he was in the
4 chair?

5 A. Yes, sir.

6 Q. At no time was he brought down to the ground?

7 A. Not until EMS got there.

8 Q. Do you know whether Mr. Wine stopped breathing
9 prior to EMS arriving?

10 A. He didn't. He was still breathing when EMS
11 got there. They were slower breaths, but he was still
12 breathing.

13 Q. But he was otherwise unconscious?

14 A. He wasn't responding. He was unresponsive.
15 That's probably more accurate.

16 Q. So you guys were holding him up in the chair?

17 A. Yes, I kept him up so that he didn't slouch
18 over.

19 Q. At that point, his handcuffs were released?

20 A. Prior to Doddridge EMS getting there, yes.

21 Q. Was he still bleeding?

22 A. I don't recall whether his wrist was still
23 bleeding or not.

24 Q. Did he ever complain about that to you, that

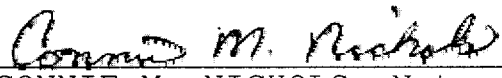
1 THE STATE OF :
WEST VIRGINIA :
2 : SS: C E R T I F I C A T E
COUNTY OF OHIO :
3

4
5 I, CONNIE M. NICHOLS, Notary Public within and
for the State of West Virginia, duly commissioned and
qualified, do hereby certify that the within-named
6 witness, ANTHONY S. TAYLOR, was by me duly sworn to
testify to the truth, the whole truth and nothing but
7 the truth in the cause aforesaid.

8
9 I do further certify that I am not a relative,
counsel or attorney of either party, or otherwise
interested in the event of this action.
10

11 I further certify that the reading and signing
of the transcript was requested.
12

13 IN WITNESS THEREOF, I have hereunto set my
hand and affixed my seal of office at Wheeling,
14 West Virginia, on the 27th day of July 2015.

15
16
17 
18 CONNIE M. NICHOLS, Notary Pub
within and for the State of
19 West Virginia



20
21 My Commission expires:
October 16, 2016
22
23
24